

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-2026

THOMAS COYNE,

Plaintiff - Appellant,

v.

OMNICARE, INC.; EDWARD O'CONNELL; BETH MESEROLL,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Catherine C. Blake, Chief District Judge. (1:14-cv-01225-CCB)

Submitted: February 20, 2015

Decided: February 24, 2015

Before MOTZ and AGEE, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas Coyne, Appellant Pro Se. Ariana Wright Arnold, Jennifer Lynn Curry, JACKSON LEWIS PC, Baltimore, Maryland, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Thomas Coyne appeals the district court's order granting summary judgment in favor of Defendants on Coyne's claims under the Family Medical Leave Act ("FMLA"), 29 U.S.C. §§ 2601-2654 (2012), and the Maryland Flexible Leave Act ("MFLA"), Md. Code Ann., Lab. & Empl. § 3-802 (LexisNexis 2014 Supp.). We have reviewed the record and find no reversible error. Accordingly, although we grant leave to proceed in forma pauperis, we affirm the grant of summary judgment as to Coyne's FMLA claim for the reasons stated by the district court. Coyne v. Omnicare, Inc., No. 1:14-cv-01225-CCB (D. Md. Sept. 3, 2014). We further affirm the grant of summary judgment on Coyne's MFLA claim because Coyne did not commence taking leave prior to his termination. See Md. Code Ann., Lab. & Empl. § 3-802(f); Gainsburg v. Steben & Co., Inc., 519 F. App'x 199, 200 (4th Cir. 2013) (No. 12-1476) ("[T]he MFLA applies only to an employee who 'has taken leave,' . . . [t]he clear language of the statute precludes any vague, atextual argument that requesting leave or providing notice of leave — rather than actually taking it by spending time away from work — constitutes protected activity."). We deny Coyne's motion to appoint counsel and dispense with oral argument because the facts and legal contentions are adequately presented

in the materials before this court and argument would not aid the decisional process.

AFFIRMED